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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,062	09/26/2000	Bradley J. Wessman	20000389.ORI	5103

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EXAMINER

OROPEZA, FRANCES P

ART UNIT	PAPER NUMBER
3762	

3762

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/670,062	<b>Applicant(s)</b> WESSMAN, BRADLEY J.	
	<b>Examiner</b> Frances P. Oropeza	<b>Art Unit</b> 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 10/21/04 (Response).
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-17 and 30-32 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-17 and 30-32 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date 11/29/04.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.

**DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. Claims 1-6, 9-15 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill (US 4280511) in view of Kiekhafer et al. (US 4934049).

O'Neill discloses a lead (20) comprising a coiled multifilar conductor (14), a silver conductive welding pad (18) in a groove in the insulation (welding region), and a band electrode (10) swaged and crimped to the lead at the welding region (figure 3; col. 2 @ 62 – col. 3 @ 60). As discussed in the previous sentence of this action, O'Neill discloses the claimed invention except for the band being welded to the conductive pad.

Kiekhafer et al. teach medical lead fabrication using swaging, crimping or welding for the purpose of attaching the electrode to the lead. Absent any teachings of criticality of unexpected results, merely changing the means of attaching the electrode on the lead from crimping to welding would be an obvious design choice. It would have been obvious to one having ordinary skill in the art at the time of the invention to have used a weld to attach the electrode to the lead in the O'Neill system in order to provide a proven means of lead fabrication that secures the electrode to the lead.

2. Claims 7-8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill (US 4280511) in view of Kiekhafer et al. (US 4934049) and further in view of Winkler (US 5417208). As discussed in paragraph 1 of this action, modified O'Neill discloses the claimed invention except for the band comprising projections.

Winkler teaches band construction using projections (53) for the purpose of enabling the band to be slid along the lead into its final position. It would have been

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obvious to one having ordinary skill in the art at the time of the invention to have used projections on the band in the modified Winkler system in order to provide a mechanism (projections) that minimize the friction associated with band movement, hence enabling an optimized fabrication process (col. 7 @ 23-57).

***Statutory Basis***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Other Prior Art Cited***

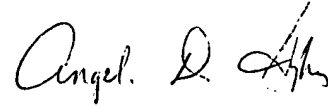
4. The prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure. US 5762631 to Klein teaches surface irregularities to reduce the sliding friction between two contacting surfaces (abstract).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frances P. Oropeza whose telephone number is (571) 272-4953. The examiner can normally be reached Monday through Friday from 9 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes, can be reached on (571) 272-4955. The telephone number for facsimiles for regular communication and After Final communications is (703) 872-9306.



Frances P. Oropeza  
Patent Examiner  
Art Unit 3762

*FPO*  
*1/21/05*

**ANGELA D. SYKES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700**